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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219179
Party	Defendant United Yacht Transport LLC dba United Yacht Transport
Correspondence Address	BRYAN D HULL BUSH ROSS PA PO BOX 3913 TAMPA, FL 33602 UNITED STATES bhull@bushross.com, avianueva@bushross.com, jprobasco@bushross.com, rsterns@bushross.com, ebishop@bushross.com
Submission	Answer
Filer's Name	Bryan D. Hull
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Signature	/s/ Bryan D. Hull
Date	05/02/2016
Attachments	Answer_to_second_amended_notice_of_opposition.PDF(86763 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V.,

Opposer,

vs.

**Opposition No. 91219179
Serial No. 86031633**

UNITED YACHT TRANSPORT LLC,

Applicant.

ANSWER TO SECOND AMENDED NOTICE OF OPPOSITION

Applicant, UNITED YACHT TRANSPORT LLC, answers the Notice of Opposition, as follows:

1. Admit.
2. Admit.
3. Without knowledge and therefore denied.
4. Admit.
5. Denied.
6. Without knowledge and therefore denied.
7. Without knowledge and therefore denied.
8. Without knowledge and therefore denied.
9. Without knowledge and therefore denied.
10. Without knowledge and therefore denied.
11. Denied.
12. Without knowledge and therefore denied.
13. Denied.

14. Relationship of Dockwise N.V. to Opposer and any predecessors is unknown and therefore denied. Otherwise, admitted.

15. Admitted that United Yacht Transport (USA) Inc. changed its corporate name to Dockwise Yacht Transport (USA) Inc. in June 2000. Otherwise, without knowledge and therefore denied.

16. Admitted that United Yacht Transport (USA) Inc. first filed for authorization to do business in Florida on December 31, 1992. Admitted that public filings with the Florida Department of State, Division of Corporations reflect the name change from United Yacht Transport (USA) Inc. to Dockwise Yacht Transport (USA) Inc. and the respective registrations to do business in Florida. Otherwise, denied.

17. Denied.

18. Without knowledge and therefore denied.

19. Without knowledge and therefore denied.

20. Without knowledge and therefore denied.

21. Without knowledge and therefore denied.

22. Admitted that “DYT” and DYT Transportation” are registered as fictitious names of Sevenstar Yacht Transport USA Agencies LLC. Without knowledge as to corporate relationship with Opposer and therefore denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Applicant's interrogatory answers speak for themselves; otherwise denied.
29. Applicant's interrogatory answers speak for themselves; otherwise denied.
30. Admitted that Applicant received the communications attached as Composite Exhibit 6 to the Second Amended Notice of Opposition, which speak for themselves. Otherwise denied.
31. Denied that Dockwise has superior rights in the mark. Admitted that Applicant filed a Response to Office action on or about May 19, 2014 and a motion to amend the basis of its application to Section 1(b) on or about April 22, 2015. Otherwise denied.
32. Denied.
33. Denied.
34. Denied.
35. Admitted that Applicant filed the application. The application speaks for itself. Otherwise denied.
36. Denied.
37. Admitted that Applicant filed the response. The response speaks for itself. Otherwise denied.
38. Denied.
39. Denied.
40. Denied.
41. Denied.
42. Denied.
43. Denied.
44. Without knowledge and therefore denied.

45. Without knowledge and therefore denied.
46. Without knowledge and therefore denied.
47. Without knowledge and therefore denied.
48. Denied.
49. Denied.
50. Denied.
51. Admitted that Applicant's first use of the mark "UNITED YACHT TRANSPORT" in US commerce was in 2013. Otherwise denied.
52. Denied.
53. Admit.
54. Denied.
55. Admit.
56. Denied.
57. Denied.
58. Denied.
59. Denied.
60. The application speaks for itself. Otherwise denied.
61. The response speaks for itself. Otherwise denied.
62. Denied.

AFFIRMATIVE DEFENSES

1. After the name change from United Yacht Transport (USA) Inc. to Dockwise Yacht Transport (USA) Inc., Dockwise Yacht Transport (USA) Inc. and/or Dockwise Yacht Transport LLC discontinued use of the mark "UNITED YACHT TRANSPORT" in the ordinary

course of trade and intended not to resume use. No bona fide use of the mark was made in commerce for a period greater than three years, and any rights in the mark were abandoned.

2. Any alleged use by Dockwise Yacht Transport (USA) Inc. and/or Dockwise Yacht Transport LLC subsequent to abandonment was not bona fide and continuous use of the mark in commerce but, at most, was sporadic, casual, and nominal. Opposer and its subsidiaries have never used the “UNITED YACHT TRANSPORT” mark in commerce and have never intended to use the mark in commerce. Instead, they have taken affirmative steps to denigrate the UNITED YACHT TRANSPORT name and distance themselves from the mark in email communications and Internet postings.

WHEREFORE, Applicant, UNITED YACHT TRANSPORT LLC, respectfully requests that the opposition be dismissed with prejudice, that Applicant be permitted to register the mark in U.S. Application Serial No. 86031633, and that any further relief as is just and proper be granted.

Respectfully submitted,

Dated: May 2, 2016

By: /s/ Bryan D. Hull
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer has been served on J. Michael Pennekamp and Sandra I. Tart by mailing said copy on May 2, 2016, via First Class Mail, postage prepaid to: J. Michael Pennekamp and Sandra I. Tart, FOWLER WHITE BURNETT, P.A., Espirito Santo Plaza, Fourteenth Floor, 1395 Brickell Avenue, Miami, Florida 33131, and by email to: jpennekamp@fowler-white.com and sttart@fowler-white.com.

Signature: /s/ Bryan D. Hull
Date: May 2, 2016